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Sep 28 2026

SC Court of Appeals

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM AIKEN COUNTY
Court of Common Pleas

Courtney Clyburn Pope, Circuit Court Judge

Case No. 2026-CP-02-01108
Summary Court Case No. 2026CV0210400439

Patricia N. Weaver,

Appellant,

V.

Blanchard & Calhoun Real Estate,

Respondent.

**RULE 241 EMERGENCY MOTION FOR AN IMMEDIATE STAY OF EJECTMENT
PENDING APPEAL AND REQUEST FOR IMMEDIATE CONSIDERATION**

Appellant Patricia N. Weaver respectfully moves this Court, pursuant to Rule 241, SCACR, for an Emergency Stay of Execution of the Magistrate Court's Warrant of Ejectment dated September 21, 2026, pending the outcome of this appeal.

1. On September 15, 2026, the Court of Common Pleas issued a Form 4 Judgment affirming a summary ejectment order. This judgment was entered electronically on September 16, 2026. A Certificate of Transmittal was issued on September 17, 2026. Appellant received a copy of the order by mail on September 23, 2026.
2. Under Rule 62(a), SCRCP, enforcement of a judgment is automatically stayed for ten (10) days following its entry. Lawful enforcement was barred until September 26, 2026.
3. In violation of the automatic stay provisions of Rule 62(a), SCRCP, and before the expiration of the ten-day period following entry of judgment, the Magistrate Court accepted a Certificate of Transmittal on September 18, 2026, and prematurely issued a Warrant of Ejectment on September 21, 2026—five (5) days prior to the lawful expiration of the stay.

4. The Warrant orders Appellant to vacate the premises by October 1, 2026, at 5:00 PM, or face physical, forcible removal by the Sheriff on October 2, 2026, at 10:00 AM. Immediate appellate intervention is required to freeze this process.

5. If a stay is denied, Appellant, her husband, and four minor children will be forcibly evicted on October 2, 2026. Forcible ejectment will scatter a family of eight, trigger immediate homelessness, destroy personal property, and render this statutory appeal entirely moot before this Court can review the merits.

6. Appellant has demonstrated absolute, flawless good faith throughout the entirety of this litigation. Under the lower court's prior directives, Appellant consistently and timely tendered her contract rent of \$1,100.00 into the Magistrate Court's escrow registry, including her most recent mandatory monthly bond payment on September 1, 2026.

7. Because the Court of Common Pleas issued its final Form 4 order on September 15, 2026, the Magistrate Court's appellate stay has dissolved, and the summary court no longer possesses jurisdiction to maintain the escrow registry. Accordingly, to balance the equities and ensure the property owner suffers absolutely zero financial prejudice while this higher appeal is reviewed, Appellant explicitly and affirmatively requests this Court condition the emergency stay on the continuous, monthly payment of her baseline contract rent (\$1,100.00) directly into the Clerk of the South Carolina Court of Appeals' registry beginning October 1, 2026, and on the first of each calendar month thereafter.

PRAYER FOR RELIEF

Appellant respectfully requests that this Court:

1. Grant immediate consideration to this motion due to the October 1, 2026 emergency deadline;
2. Issue an Emergency Order staying the execution of the September 21, 2026 Warrant of Ejectment;
3. Enjoin the Aiken County Sheriff and Summary Court from executing any physical ejectment at 105 Michael Court pending final resolution of this appeal.

Date: September 28 PMW
25, 2026

s/ Patricia N. Weaver *Patricia Nicole Weaver*
Patricia N. Weaver, Appellant Pro Se

STATE OF SOUTH CAROLINA
COUNTY OF AIKEN

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2026CV0210400439
CIVIL CASE NUMBER

IN THE MAGISTRATE'S COURT

WARRANT OF
EJECTMENT

Blanchard And Calhoun Real
Estate
237 Davis Road
Augusta, GA 30907
(706) 426-1658

PLAINTIFF(S)

Vs

Patricia Weaver Et Al
105 Michael Court
Aiken, SC 29801

DEFENDANT(S)

TO ANY LAWFUL CONSTABLE OR THE SHERIFF OF THE COUNTY:

Upon Judgment of this Court rendered on September 21, 2026, you are hereby Ordered to serve the Defendant(s) / Occupant(s) of the premises located at 105 Michael Court, Aiken, SC 29801 this Warrant of Ejectment to peacefully and voluntarily vacate the said premises on or before **October 1, 2026 at 5:00pm.**

TO THE DEFENDANT(S) / OCCUPANT(S) OF:

105 Michael Court, Aiken, SC 29801, you are hereby Ordered to peacefully vacate the above said premises on or before **October 1, 2026 at 5:00pm.** Failure to comply with this Order will result in a **FORCIBLE EJECTMENT ON OCTOBER 2, 2026 at 10:00am.**

Upon a Forcible Ejectment any and all property, which is not the property of the Plaintiff/Landlord, will be removed from the premises and will be deposited at or near but not obstructing the nearest public roadway. The deposited property may be removed by Municipal or County officials after a period of forty-eight hours, excluding Saturdays, Sundays and Holidays. The deposited property may be removed before or after forty-eight hours by Municipal or County officials if in the normal course of debris or trash collection. If the premises is located in a municipality or county that does not collect trash or debris from the public highways, then after a period of forty-eight hours, the plaintiff/landlord may remove the personal property from the premises and dispose of it in the manner that trash or debris is normally disposed of in such municipalities or counties.

IT IS SO ORDERED _____ 9-21-26 _____

GE